

October 28, 1999

Exemption No. 7063
Regulatory Docket No. 29453

Mr. John W. Harrington
Planes of Fame Air Museum
WWII Cal Aero Field
7000 Merrill Avenue, Box 17
Chino, CA 91710

Dear Mr. Harrington:

By letter dated January 15, 1999, you petitioned the Federal Aviation Administration (FAA) on behalf of Planes of Fame Air Museum (Planes of Fame) for an exemption from Sections 91.315, 91.319, 119.5(g), and 119.21(a) of Title 14, Code of Federal Regulations (14 CFR) to the extent necessary to permit Planes of Fame to operate its Curtiss P-40 (P-40), Douglas SBD-5 (SBD-5), North American B-25 (B-25) and P-51 (P-51), and Vought F4U-1A (F4U-1A) airplanes, which hold limited or experimental certificates, for the purpose of carrying Planes of Fame members and other passengers on local educational flights for compensation or hire.

The FAA has issued several grants of exemption in circumstances similar in all material respects to those presented in your petition. For example, in Grant of Exemption No. 6792 (copy enclosed), the FAA found that preserving historic military airplanes is in the public interest in the same manner preserving historic buildings, landmarks, and neighborhoods was found to be in the public interest. The FAA noted that while aviation history can be represented with static displays in museums, similar to the way historic landmarks can be represented in museums, the public has shown a willingness to support the preservation and operation of vintage airplanes and a desire to experience flights in these historic airplanes.

In addition, the FAA recognized that the only way to maintain vintage airplanes in an operational status is to accept financial contributions to defray the high maintenance costs and to ensure flightcrew operating experience requirements are met. As a result, in return for a contribution, members of the public have the opportunity to experience a local flight in an historic airplane. The FAA concluded that without this contribution, operators of vintage airplanes would not be able to raise sufficient funds to maintain the airplanes and provide flying experiences to the public.

The FAA noted that individuals who accept a flight on these airplanes differ from the general traveling public because they support the continued operation of these historic airplanes through a substantial monetary donation. In addition, the FAA added that many of these passengers are familiar with the airplanes' military history and are aware they are not standard category airplanes.

The FAA also found the operation of former military airplanes can present significant safety issues, such as life-limited parts and airplane design, and determined that all flight crewmembers must be required to meet stringent qualification and training requirements. Therefore, the FAA issued grants of exemption with certain conditions and limitations to standardize the maintenance and inspection of the airplanes and ensure the exemption holder maintains highly skilled and qualified pilots to operate its airplanes.

Finally, the FAA noted it has initiated rulemaking to permit operators of vintage airplanes to provide flight experiences to the public for compensation or hire. The FAA stated that if these operations conform to regulations based on the conditions and limitations in Grant of Exemption No. 6792, an adequate level of safety will be maintained.

Having reviewed your reasons for requesting an exemption, I find they do not differ materially from those presented by the petitioner in the enclosed grant of exemption. In addition, I have determined that the reasons stated by the FAA for granting the enclosed exemption also apply to the situation you present.

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. Sections 40113 and 44701, delegated to me by the Administrator (14 CFR Section 11.53), Planes of Fame Air Museum is granted an exemption from 14 CFR Sections 91.315, 91.319(a), 119.5(g), and 119.21(a) to the extent necessary to permit Planes of Fame to operate its B-25, F4U-1A, P-40, P-51, and SBD-5 airplanes, which hold limited or experimental certificates, for the purpose of carrying Planes of Fame members and other passengers on local educational flights for compensation or hire, subject to the following conditions and limitations:

1. Planes of Fame must maintain its B-25, F4U-1A, P-40, P-51, and SBD-5 airplanes in accordance with the -
 - a. Maintenance requirements as specified in each B-25, F4U-1A, P-40, P-51, and SBD-5 airplane, as appropriate, type specification sheet, as amended;
 - b. FAA-approved maintenance inspection program that meets the requirements of Section 91.409; and

- c. B-25, F4U-1A, P-40, P-51, and SBD-5 airplane military technical manuals, as appropriate.
2. The pilot in command (PIC) must -
- a. Hold at least a commercial pilot certificate with a category and class rating representative of that military vintage airplane, an airplane instrument rating, and a B-25, F4U-1A, P-40, P-51, and SBD-5 airplane type rating or letter of authorization, as appropriate;
 - b. Have completed Planes of Fame's B-25, F4U-1A, P-40, P-51, and SBD-5 airplane, as appropriate, qualification and recurrent flight- and ground-training programs within the previous 12 calendar months;
 - c. Have at least a total of 2,500 hours of aeronautical flight experience, 1,000 hours of aeronautical flight experience in the category and class of military vintage airplane, and 25 hours in a B-25, F4U-1A, P-40, P-51, and SBD-5 airplane, as appropriate, or have at least a total of 1,000 hours of aeronautical flight experience, 200 hours of aeronautical flight experience in the category and class of military vintage airplane, and 100 hours and 50 takeoffs and 50 landings in a B-25, F4U-1A, P-40, P-51, and SBD-5 airplane, as appropriate; and
 - d. Have accomplished three takeoffs and three landings to a full stop in a B-25, F4U-1A, P-40, P-51, and SBD-5 airplane, as appropriate, within the previous 90 days before serving as PIC.
3. The second in command (SIC), required only for the B-25 airplane, must -
- a. Hold at least a commercial pilot certificate with a multiengine airplane rating and an airplane instrument rating;
 - b. Have completed Planes of Fame's B-25 airplane qualification and recurrent flight- and ground-training programs within the previous 12 calendar months;
 - c. Have at least a total of 1,500 hours of aeronautical flight experience and 250 hours of aeronautical flight experience in multiengine airplanes or have at least a total of 500 hours of aeronautical flight experience, 100 hours of

aeronautical flight experience in multiengine airplanes, and 25 hours and 10 takeoffs and 10 landings in a B-25 airplane; and

- d. Have accomplished three takeoffs and three landings to a full stop in a B-25 airplane within the previous 90 days before serving as SIC.
4. Planes of Fame must develop and maintain written B-25, F4U-1A, P-40, P-51, and SBD-5 airplane, as appropriate, qualification and recurrent ground-training programs for its PICs and SICs that cover the training subjects listed below. Each PIC and SIC must receive this training and be found competent and proficient on the following:
- a. General information and description of the airplane;
 - b. Aircraft limitations;
 - c. Aircraft servicing;
 - d. Airspeeds;
 - e. Fuel system;
 - f. Electrical system;
 - g. Hydraulic system;
 - h. Engines;
 - i. Instruments and avionics;
 - j. Landing gear, brakes, controls, and flaps systems;
 - k. Propeller;
 - l. Emergency procedures, including -
 - (i) Instruction in emergency assignments and procedures, including coordination among crewmembers;
 - (ii) Individual instruction in the location, function, and operation of emergency equipment, including -
 - A. First-aid equipment and its proper use; and
 - B. Portable fire extinguishers, with emphasis on the type of extinguisher to

be used on different classes of fires;

(iii) Instruction in the handling of emergency situations, including -

A. Fire in flight or on the surface and smoke control procedures with emphasis on electrical equipment and related circuit breakers found in cabin areas; and

B. Illness, injury, or other abnormal situations involving passengers or crewmembers;

m. Weight and balance;

n. Performance planning; and

o. Use of the airplane's checklist.

5. Planes of Fame must develop and maintain written B-25, F4U-1A, P-40, P-51, and SBD-5 airplane, as appropriate, qualification and recurrent flight-training programs for its PICs that cover the areas of operations and tasks listed in the "Airline Transport Pilot and Aircraft Type Rating Practical Test Standards for Airplane," FAA-S-8081-5C, and each PIC must receive this training and be found competent and proficient on those areas of operations and tasks before being assigned PIC responsibilities and duties.

6. Planes of Fame must develop and maintain written B-25 airplane qualification and recurrent flight-training programs for its SICs that cover the maneuvers and procedures listed below. Each SIC must receive this training and be found competent and proficient on the following maneuvers and procedures before being assigned SIC responsibilities and duties in the B-25 airplane:

a. Operational procedures applicable to the powerplant, equipment, and systems;

b. Performance specifications and limitations;

c. Normal, abnormal, and emergency operating procedures;

d. Three takeoffs and three landings to a full stop as the sole manipulator of the flight controls;

e. Engine-out procedures and maneuvering with an engine out while executing the duties of PIC; and

f. Crew resource management training.

In addition, each SIC must be familiar with the airplane flight manual, placards, and markings.

7. Each PIC must complete a proficiency practical test upon completion of the initial qualification training program and upon completion of the recurrent training program (every 12 calendar months after completion of the initial qualification training program) that covers the areas of operations and tasks listed in the "Airline Transport Pilot and Aircraft Type Rating Practical Test Standards for Airplane," FAA-S-8081-5C. Each PIC must be found competent and proficient on those areas of operations and tasks before being assigned PIC duties and responsibilities.

8. Each SIC must complete a proficiency practical test upon completion of the initial qualification training program and upon completion of the recurrent training program (every 12 calendar months after completion of the initial qualification training program) that covers the following maneuvers and procedures before being assigned SIC responsibilities and duties:

- a. Operational procedures applicable to the powerplant, equipment, and systems;
- b. Performance specifications and limitations;
- c. Normal, abnormal, and emergency operating procedures;
- d. Three takeoffs and three landings to a full stop as the sole manipulator of the flight controls;
- e. Engine-out procedures and maneuvering with an engine out while executing the duties of PIC; and
- f. Crew resource management training.

In addition, each SIC must be familiar with the airplane flight manual, placards, and markings.

9. Planes of Fame's B-25, F4U-1A, P-40, P-51, and SBD-5 airplane qualification and recurrent ground- and flight-training programs listed in condition Nos. 4, 5, and 6, as appropriate, must be made available to the Riverside, California, Flight Standards District Office (WP FSDO No. 21) on request.

10. Planes of Fame must have the services of an FAA-certificated airframe and powerplant mechanic or an

appropriately rated repair station available at all stopovers to perform all required maintenance inspections and repairs.

11. Planes of Fame must maintain the following information and records and make those records available to the FAA for review when requested:
 - a. The name of each pilot crewmember Planes of Fame authorizes to conduct flight operations in its airplanes under the terms of this exemption;
 - b. Copies of each PIC's and SIC's pilot certificate, medical certificate, qualifications, and recurrent training documentation in the B-25, F4U-1A, P-40, P-51, and SBD-5 airplane, as appropriate, demonstrating compliance with condition Nos. 2 and 3;
 - c. Records of maintenance performed and maintenance inspection records demonstrating compliance with condition No. 1; and
 - d. A listing of any incident, accident, or mechanical failure of the airframe, propellers, or engine that occur during operations conducted under the authority of this exemption. That listing will include the date of the incident, accident, or failure; all information on the possible cause factors; and extent of injuries sustained.
12. Before permitting a person to be carried on board its airplane for the purposes authorized under this exemption, Planes of Fame will inform that person that its airplane holds a limited airworthiness certificate or experimental airworthiness certificate, as appropriate; of the significance of the limited or experimental airworthiness certificate as compared to a standard airworthiness certificate; and that the FAA has authorized this flight under a grant of exemption from the requirements of Sections 91.315, 91.319(a), 119.5(g), and 119.21(a). The explanation of the significance of a limited airworthiness certificate or experimental airworthiness certificate, as appropriate, compared to a standard airworthiness certificate must include at least the following information:
 - a. The FAA has not established nor has it approved limited or experimental category airworthiness certificated airplane manufacturing standards. In contrast, standard category airworthiness certificated airplanes are manufactured to FAA-approved standards, including standards addressing the design of the airplane and

life-limited parts.

- b. Limited category airworthiness certificates are issued when the FAA finds the airplane -
 - (i) Previously has been issued a limited category type certificate and the airplane conforms to that type certificate; and
 - (ii) To be in a good state of preservation and repair and in a safe operating condition.
- c. Experimental airworthiness certificates are issued when the -
 - (i) Builder of the airplane submits a statement that sets forth the purpose for which the airplane is to be used;
 - (ii) Builder of the airplane submits enough data to identify the airplane;
 - (iii) Builder of the airplane submits information found necessary to safeguard the public; and
 - (iv) FAA finds the fabrication and assembling of the airplane complies with acceptable aeronautical standards and practices.
- d. Standard category airworthiness certificates are issued when the FAA finds the -
 - (i) Airplane has been built and maintained in accordance with that airplane's type certification standards as established by the FAA; and
 - (ii) Airplane's inspection and maintenance requirements are in compliance with the applicable regulations in 14 CFR.

13. All flight operations must be conducted -

- a. At a minimum operating altitude of not less than 1,000 feet above the ground (AGL);
- b. Between the hours of official sunrise and sunset, as established in the American Air Almanac, as converted to local time;
- c. With a minimum flight visibility of not less than 5 statute miles;

- d. With a minimum ceiling of not less than 2,000 feet AGL;
 - e. Within a 50-nautical-mile radius of the departure airport with landing only permitted at that departure airport; and
 - f. At an airport that has a fire station or firefighting services available.
- 14. No persons other than the assigned flight crewmembers may be permitted on the flight deck of the airplane during flight operations.
 - 15. Except for essential crewmembers, all flight operations must carry no more than the maximum number of passengers permitted by the airplane's weight and balance limitations and number of approved seats in the airplane.
 - 16. Except for an emergency locator transmitter, Planes of Fame's airplanes must have the equipment listed in Section 91.205(b), and that equipment must be in an operable condition during the flight.
 - 17. If the airplane is to be operated over water and beyond the power-off gliding distance from shore, Planes of Fame's airplanes must have the equipment listed in Section 91.205(b)(12), and that equipment must be in an operable condition during the flight.
 - 18. Planes of Fame must hold and continue to hold a determination from the U.S. Internal Revenue Service that it is a Section 501(c)(3) nonprofit, tax-exempt, charitable organization under Sections 509(a)(1) and 170(b)(1)(A)(vi) of the Internal Revenue Code.

This exemption terminates on October 31, 2001, unless sooner superseded or rescinded.

Sincerely,

/s/ L. Nicholas Lacey
Director, Flight Standards Service

Enclosure